

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BRENDA GIVENS and GARY GIVENS,
Individually, and on behalf of Zachary
Givens, deceased,

Plaintiff,

v.

Saint Louis County, Gerald Kearney, RN,
Kristy Gonzales, RN, Connie Heitman, RN,
Irma Jensen, RN, Laura Williams, RN,
Tammy Goss, LPN, Shyla Howard, RN,
Jessica Farris, MA, Ashley Robertson, RN,
C. Portell, RN, J. Tippet, RN, A. Woods,
RN, Jen Douglas, RN, J. Quadea, L.
Wellman, RN, M. King, Marie Walker,
M.D., and Philomena Akoh, M.D.

Defendants.

Cause No. 4:18-cv-01732 SPM

**DEFENDANTS' NOTICE NON-OPPOSITION TO PLAINTIFFS' MOTION FOR
LEAVE TO DISMISS DEFENDANTS MARIE WALKER, M.D. AND PHILOMENA
AKOH, M.D.**

COME NOW Defendants Gerard Kearney RN, Christi Gonzales, RN, Connie Heitman, RN, Irma Jensen RN, Laura Williams, RN, Tammy Goss LPN, Shyla Howard, RN, Jessica Farris MA, Ashley Robertson, RN Carrie Portell RN, Jessica J. Tippet, RN, Amanda Woods, RN, Jen Douglas RN, J. Quadea, Lisa Wellman RN, and Michael King, RN, by and through their counsel, and hereby give notice as requested by this Court of their Non-Opposition to the Plaintiffs' Motion for Leave to Dismiss Defendants Marie Walker, M.D. and Philomena Akoh, M.D.

1. Plaintiffs filed their Motion for Leave to Dismiss Defendants Marie Walker and Philomena Akoh, M.D., with prejudice on June 3, 2021.

2. On June 4, 2021, this Court entered an order directing Defendants to file a response to Plaintiffs' motion in order to advise this Court as to whether granting Plaintiffs' Motion for Leave to Dismiss Defendants Marie Walker, M.D. and Philomena Akoh, M.D. will have a prejudicial effect on Defendants. The time to advise the Court on the issue was extended to June 18th 2021.

3. After a comprehensive review, of the case to determine whether there would be any prejudicial effect on Defendants, if this Court grants Plaintiffs' Motion for Leave to Dismiss the Defendants Marie Walker, M.D. and Philomena Akoh, M.D.

4. The Defendants Gerard Kearney RN, Christi Gonzales, RN, Connie Heitman, RN, Irma Jensen RN, Laura Williams, RN, Tammy Goss LPN, Shyla Howard, RN, Jessica Farris MA, Ashley Robertson, RN Carrie Portell RN, Jessica J. Tippet, RN, Amanda Woods, RN, Jen Douglas RN, J. Quadea, Lisa Wellman RN, and Michael King, RN could find no prejudicial effect befalling to them and therefore now file this Notice of Non-Opposition to the Plaintiffs Motion to Dismiss Dr.'s Marie Walker and Philomena Akoh from the case.

WHEREFORE, Defendants Gerard Kearney RN, Christi Gonzales, RN, Connie Heitman, RN, Irma Jensen RN, Laura Williams, RN, Tammy Goss LPN, Shyla Howard, RN, Jessica Farris MA, Ashley Robertson, RN Carrie Portell RN, Jessica J. Tippet, RN, Amanda Woods, RN, Jen Douglas RN, J. Quadea, Lisa Wellman RN, and Michael King, RN, respectfully request that the Court permit and/or Grant the Plaintiffs' Motion for Leave to Dismiss Defendants Marie Walker, M.D. and Philomena Akoh, M.D.

Respectfully submitted,

WIEDNER & McAULIFFE, LTD.

/s/ Gregory D. DeBeer

C. Zachary Vaughn, #56408MO
Gregory D. DeBeer, #62129MO
Daniel J. Gerwitz, #71893MO
WIEDNER & McAULIFFE, LTD.
101 S. Hanley, Ste. 1450
St. Louis, Missouri 63105
(314) 721-3400 – telephone
(314) 725-5755 – fax
czvaughn@wmlaw.com
gddebeer@wmlaw.com
djgerwitz@wmlaw.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy was served via the Court's electronic filing system this 18th day of June, 2021 upon all parties of record.

/s/ Gregory D. DeBeer